

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 825 - SB 919

March 23, 2017

SUMMARY OF BILL: Requires a court to impose an individually-assessed sentence, without imprisonment, for any person convicted of a nonviolent offense if the person is a primary caregiver of a dependent child.

ESTIMATED FISCAL IMPACT:

Decrease State Expenditures – Exceeds \$251,100/Incarceration*

Assumptions:

- The proposed legislation defines “nonviolent offense” as any conviction for a crime punishable by imprisonment except crimes that have as an element the use, attempted use, or threatened use of physical force or a deadly weapon against another; burglary, aggravated burglary, extortion, arson, aggravated arson, kidnapping, aggravated kidnapping, or especially aggravated kidnapping; crimes involving the use of an explosive; or crimes otherwise involving conduct that presents a serious risk of physical injury to another.
- The proposed legislation will decrease state incarceration costs because courts are prohibited from requiring persons affected by the proposed legislation from serving any period of confinement.
- There is insufficient data relative to the number of primary caregivers to a dependent child being convicted for nonviolent offenses, the percentage of such that are admitted into Department of Correction (DOC) custody, and the average time served by such persons.
- However, it is reasonable to assume that at least 10 primary caregivers to a dependent child will be convicted of a nonviolent offense each year. Further, it is reasonable to assume that the average primary caregiver to a dependent child will serve at least one year (365.25 days) less than the person would have served under law.
- According to the DOC, the average operating cost per offender per day for calendar year 2017 is \$68.75.
- The proposed legislation will decrease state incarceration costs by at least \$251,109 (10 convictions x 365.25 days x \$68.75 per day).

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm